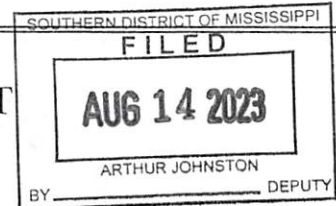


Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Southern District of MississippiEastern Division

Case No.

3:23cv 531-DPJ-ASH

(to be filled in by the Clerk's Office)

Dwayne Roland Bridget, et al.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Nathan Earl Cain, WTC, Ms Austin, Ms Howard.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

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I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

Dwayne Roland Bridget
Wayne
167410
East Mississippi Correctional Facility
10641 Hwy 80 West
Meridian MS 39307
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Shield Number

Employer

Address

Mothon Burl Cain
Commissioner of Corrections
(unknown)
Gov. Tate Reeves
MDOC
Jackson MS 39201
City State Zip Code

☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name

Job or Title (if known)

Shield Number

Employer

Address

Ms. Austin
M.D.O.C. Contract Monitor
(unknown)
MDOC / MTC
10641 Hwy 80 West
Meridian MS 39307
City State Zip Code

☒ Individual capacity ☐ Official capacity

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Defendant No. 3

Name

Malenzie
Mr. Howard

Job or Title (if known)

Unit Manager at EMCF Housing unit 4

Shield Number

(unknown)

Employer

MTC

Address

10641 Hwy 80 West

Meridian

City

MS

State

39307

Zip Code

☒ Individual capacity☒ Official capacity

Defendant No. 4

Name

Management Training Corporation (MTC)

Job or Title (if known)

Tamate Housing Organization

Shield Number

(unknown)

Employer

M.D.C. (Mississippi Dept. of Corrections)

Address

10641 Hwy 80 West

Meridian

City

MS

State

39307

Zip Code

☒ Individual capacity☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8th Amendment (right to be free from Cruel & unusual punishment, Equal Protection Clause,
Right to be free from harm & criminal gang activity, Respondent Superior.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

None.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Unit Manager Howard failed to properly investigate my 4-10-23 assault by accepting a letter from gang members allowing them to hold me hostage until 4-11-23 night shift change just to receive medical attention for upper lip split in half. Then had me almost killed in same unit on 4-20-23 and seen me injured and allowed more gang affiliates to hold me hostage until 4-26-23 when Nurse Glover seen my eyes filled with blood and I was then rushed to a Hospital. "See Attachment 1"

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Each event occurred Emct Unit 4 in April 10 and April 20

- C. What date and approximate time did the events giving rise to your claim(s) occur?

April 10 and April 20

- D. What are the facts underlying your claim(s)? (For example: 'What happened to you? Who did what? Was anyone else involved? Who else saw what happened?')

I was almost killed by gang members. April 10 I was assaulted by 5 vice lords held hostage til the next day. Unit Manager Howard told me the same gang members said I was stealing dismissively. Unit Manager Howard witnessed the aftermath April 20 when 8 more members assaulted me and drowned me inside a toilet and held hostage another 6 days.

"See attached"

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Upper lip torn in half, from April 10 and couldn't receive medical attention because staff never came. Blood filled eyes and hospitalized after April 20 incident on April 26. Bloody eyes, fractures in face, temp. blindness

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

monetary and punitive damages. Reason these individuals consist that they are better and above the law. I'm requesting 20k from each named defendant, ~~name~~ violates named plaintiff(s) clearly established constitutional rights (4th, 5th, 6th, 8th, 14th amendments) were violated.

MDOC Contract Monitor Ms. Austin, failed to follow protocol and guidelines of ensuring EMCF & MTC followed proper procedure by keeping inmates free and safe from gang violence, assaults and even though he and multiple staff witnessed the damage done, failed to act accordingly by investigating, disciplinary actions or criminal charges for an STG assaultive actions.

Commission Nathan B. Cain delivered a memo describing the consequences of STG gang activity resulting in hospital attention. Both incidents from 4-10 and 4-20 resulted in me being hospitalized. 4-10 my upper lip was literally split in half and couldn't be stitched together because Unit Manager Howard's refusal to act due to her affiliates and the 4-20 incident 5 gang members (viceroids) entered my cell attacked me held me and drowned me into a toilet where the lack of oxygen burst the blood vessels in my eyes resulting in temporary blindness. I wrote a Emergency Grievance explaining what happened, who all was involved, and my reason for sending the Grievance to him instead of doing normal Arp process which was it would've made it back to the same people who tried killing me. Also liable under the respondeat superior doctrine.

Officer Moore, seen me on multiple occasions bloody and refused to get medical attention from orders from STG gang members.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

East Mississippi Correctional Facility

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Emcl

2. What did you claim in your grievance?

Everything including ~~retired~~ notice of learning § 42. UCLSA.

3. What was the result, if any?

Gave statement Months later.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Couldnt go through original steps because it would've made it to 5th
gang members. Reported through Sensitive Route

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Didn't file through facility because gang members would've known.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I first notified MDC contract monitor Mr. Austin, Unit Manager Howard Commissioner Cain. All shown Deliberate indifference.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes, being assaulted by officer J. Green in Wilkinson County Corr. Facility

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☒ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Dwayne Bridge

Defendant(s) L. Greer, Pamela Johnson, Pelicia Hall, MTC.

2. Court (if federal court, name the district; if state court, name the county and State)

United States District Court Southern Division

3. Docket or index number

2018-MTP-00025

4. Name of Judge assigned to your case

Michael T. Parker

5. Approximate date of filing lawsuit

3-3-17

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition

May of 2019

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Judged in my favor with no appeal.

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

8-11-23

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

DeWayne BridgetDeWayne Bridget107410Meridian

City

MS

State

Zip Code

B. For Attorneys

Date of signing:

8-11-23

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address